IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2149 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD NEW COTTON MILLS LTD

Versus

BHARATKUMAR C SONI

Appearance:

1. Special Civil Application No. 2149 of 1992

MS AMEE YAJNIK for Petitioner No. 1

MR KS ACHARYA for Respondent No. 1

MR HK ACHARYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 12/08/2004

ORAL JUDGEMENT

Heard learned advocate Ms. Amee Yagnik for the

petitioner and Mr. M.K. Patel for the respondents. In this petition, interim order passed by the Labour Court, Ahmedabad in T. Application No. 94 of 1990 dated 26th March, 1991 is challenged by the petitioner. Respondent workman had filed application under section 78/79 of the Bombay Industrial Relations Act, 1946. Present petitioner submitted an application Exh. 6 to decide the preliminary point on 17th August, 1990 that the application submitted by the respondent is beyond time limit of six months, meaning thereby, that the application is not filed within six months from the date of submission of the approach letter to the employer. The labour court rejected the said application Exh. 6 on 26th March, 1991. The labour court come to the conclusion that the issue raised by the petitioner would require appreciation of evidence and in absence of evidence, such an issue cannot be decided. The labour court, therefore, rejected the application of the petitioner and the said interim order is under challenge in this petition.

Since the order under challenge is interim in nature, this petition is not entertained and is disposed of on that ground alone. Rule is discharged. Interim relief, if any, shall stand vacated. There shall be no order as to costs. However, it is clarified that whatever ultimate out come of the application no. 94 of 1990 will govern the rights of the parties.

(H.K. Rathod,J.)

Vyas